



The Attorney General of Texas

December 20, 1978

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Ms. Suzan Cardwell
Office of General Counsel
University of Texas System
201 West 7th Street
Austin, Texas 78701

Open Records Decision No. 214

Re: Whether a class paper prepared by a group of university students is public under the Open Records Act.

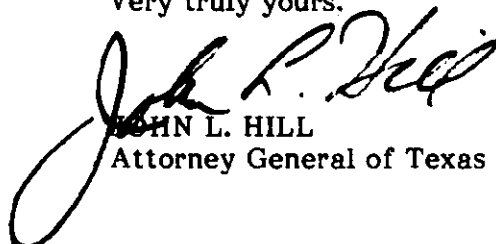
Dear Ms. Cardwell:

Pursuant to section 7 of article 6252-17a, V.T.C.S., the Texas Open Records Act, you ask whether a class paper prepared by a group of university students is public information. You claim that the paper is not within the scope of the Open Records Act, and that if it is, it is excepted by section 3(a)(14) as a student record and by section 14(e) as an education record subject to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (the Buckley Amendment).

You state that the paper was given to the professor as a gift after it had been graded and returned. You claim, therefore, that the paper was not "collected, assembled, or maintained . . . in connection with the transaction of official business" so as to come within the scope of the Act. V.T.C.S. art. 6252-17a, § 3(a). See Open Records Decision Nos. 116, 77 (1975).

We need not decide whether this paper constitutes information collected or maintained by the university in connection with the transaction of official business. Even if it is within the scope of the Open Records Act, it would be excepted from disclosure as a student record by section 3(a)(14) of the Act. Attorney General Opinion H-447 (1974) defines a "student record" as "information concerning the student himself and his individual relationship to the educational institution." In Open Records Decision No. 120 (1976) we decided that a student's written qualifying exam, as well as faculty evaluations of it, constituted student records within section 3(a)(14) of the Act. Consequently, we believe the paper you inquire about is not required to be disclosed to the public under the Open Records Act.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

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